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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/677,072	09/29/2000	Vincent Kovarik	6572-27	2136

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EXAMINER

DUONG, OANH L

ART UNIT	PAPER NUMBER
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2155

DATE MAILED: 06/06/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/677,072

Applicant(s)

KOVARIK ET AL.

Examiner

Oanh L. Duong

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 February 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 2-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 2-18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Claims 2-18 are presented for examination.

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 02/08/2005 has been entered.

Claim Objections

2. Claims 2, 10 and 18 are objected to because of the following informalities: the features "said re-synchronized interprocess communications link" in claims 2 and 10, and "said established interprocess communications link" in claim 18 are lacking of antecedent basis.. Appropriate correction is required.

Response to Arguments

3. Applicant's arguments with respect to claims 2-18 have been considered but are moot in view of the new ground(s) of rejection.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

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§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 2, 5-10 and 13-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Knapman et al (Knapman) in view of Narendran et al. (Narendran) (US 6,070,191) in further view of Banavar et al. (Banavar) (US 6,662,206 B1).

Regarding claim 2, Knapman discloses a distributed messaging method of publishing topical messages in a communications network (abstract) comprising receiving in a first message router from a data consumer a request to subscribe to a

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message topic and transmitting data messages from said data publisher over said established interprocess communications link to said data consumer (col. 4 lines 41-55).

Knapman does not explicitly disclose a redirection mechanism, sharing state memory, and re-synchronizing said interprocess communications connection as claimed.

Narendran discloses responsive to receiving request, retrieving from a server a location of a second message router, and establishing an interprocess communications connection between said first and second message routers (col. 14 lines 40-54).

Narendran teaches that such the redirection mechanism ensures that the load in a distribution system, such as in Knapman, is properly balanced across the servers (col. 3 lines 8-11). For this reason, it would have been obvious to one having ordinary skill in the art to utilize this redirection mechanism in a message distributed computing environment in Knapman.

Banavar, in the same field of endeavor, teaches state memory to store both message traffic data and network configuration data (Fig. 2 col. 7 lines 22-63); responsive to a communication fault, re-establishing the connection from the state memory (col. 7 lines 64-col. 8 line 12). It would have been obvious to one having ordinary skill in the art at the time the invention was made to have utilized the state memory and re-establishing the connection of Banavar in the process of transmitting data messages in Knapman because such state memory and re-establishing the connection would effectively provide recovering from an interruption of a subscriber's stream of event messages (Banavar, col. 2 lines 3-4).

Regarding claim 5, Knapman-Narendran-Banavar teaches detecting a communication interruption (Knapman, col. 3 lines 29-31); responsive to detecting said interruption, terminating said subscription, retrieving from said message topic server a location of a message router communicatively linked to a data publisher able to resume said providing of said data messages consonant with said requested message topic, establishing an interprocess communications connection between said first message router and said message router communicatively linked to a data publisher able to resume said providing of said data messages, and resuming said transmission of said data messages from said data publisher over said established interprocess communications connection between said first message router and said message router communicatively linked to data publisher able to resume said providing of said data messages (Banavar, col. 7 line 22-col. 9 line 11).

Regarding claims 6-8, Knapman teaches detecting a communication break (col. 6 lines 32-40).

Regarding claim 10, a machine-readable storage of claim 10 has a corresponding method of claim 2; therefore, claim 10 is rejected under the same rationale as applied to claim 2.

Regarding claim 13, Knapman-Narendran-Banavar teaches detecting a communication interruption (Knapman, col. 3 lines 29-31); responsive to detecting said interruption, terminating said subscription, retrieving from said message topic server a location of a message router communicatively linked to a data publisher able to resume said providing of said data messages consonant with said requested message topic,

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establishing an interprocess communications connection between said first message router and said message router communicatively linked to a data publisher able to resume said providing of said data messages, and resuming said transmission of said data messages from said data publisher over said established interprocess communications connection between said first message router and said message router communicatively linked to data publisher able to resume said providing of said data messages (Banavar, col. 7 line 22-col. 9 line 11).

Regarding claims 14-16, Knapman teaches detecting a communication break (col. 6 lines 32-40).

Regarding claims 9 and 17, Knapman-Narendran-Banavar teaches re-establishing an interprocess communications connection between first and second routers (Banavar, col. 7 lines 10-14 and col. 7 line 64-col. 8 line 12).

Regarding claim 18, a distributed message system of claim 18 has a corresponding distributed messaging method of claim 2; therefore, claim 18 is rejected under the same rationale as applied to claim 2.

5. Claims 3-4 and 11-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Knapman et al (Knapman) in view of Narendran et al. (Narendran) (US 6,070,191) in further view of Banavar in further view of Novaes (US 6,507,863 B2)

Regarding claims 3 and 11, Knapman-Narendran-Banavar does not specifically teach establishing a multicast link. Novaes teaches establishing a multicast data communications link between said first and second message routers (col. 3 lines 24-

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26). Novaes teaches a dynamic multicast routing facility for the distributed processing environment, such as in Knapman, automatically reacts to a failure of any routing node within the environment (col. 3 lines 3-11) and thereby ensuring all functional computing nodes within the distributed computing environment are reachable via multicast (col. 3 lines 30-42). For this reason, it would have been obvious to one having ordinary skill in the art at the time the invention was made to have utilized the multicast communications link of Novaes in a distributed computing environment in Knapman.

Regarding claims 4 and 12, Knapman teaches multicasting data messages from said data publisher over said multicast data communications link to said data consumer (col. 2 lines 6-21).

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Oanh Duong whose telephone number is (571) 272-3983. The examiner can normally be reached on Monday- Friday, 8:00AM - 5:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ario Etienne can be reached on (571) 272-4001. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


BHARAT BAROT
PRIMARY EXAMINER

O.D
May 29, 2005